SBCivil Writ Petition No.5683/2005

Mandal Dutt Puohit
Vs.
State of Rajasthan & Ors.

Date of Order :: 3rd October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.
Mr. B.L.Tiwari, Dy..Govt.Advocate.

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The petitioner, an employee of Public Works Department, Government of Rajasthan suffered with an acute cardiac pain on 4.9.2004, therefore, he was admitted to Goyal Hospital & Research Centre Pvt. Ltd., Jodhpur where on diagnosis he was advised to undergo Coronary Angiography and Coronary Artery Bypass Grafting. The petitioner was also advised not to move, therefore, the aforesaid surgery was taken at the hospital referred above on 9.9.2004. In undergoing the surgery as above an expenses of Rs.1,50,000/- incurred. The petitioner submitted an application to the respondents to reimburse the medical expenses but the same was denied as the hospital where the petitioner undergone the surgery is not a hospital enlisted by Government of Rajasthan for getting reimbursement on undergoing angiography and coronary artery bypass. The petitioner to claim the reimbursement of medical expenses has preferred this petition for writ.

A reply to the writ petition has been filed on behalf of the respondents with the stand that the hospital wherefrom the petitioner got himself treated is not a recognised hospital by Government of Rajasthan for getting reimbursement of medical expenses incurred in cardiac treatment.

Heard counsel for the parties.

This Court in the case of Thomas T. Vs. State of Rajasthan & Ors., SBCivil Writ Petition No.3749/2006, decided on 14th September, 2006, held that in the circumstances when Government servant is having no option but to take immediate treatment, he is entitled to get reimbursement of medical expenses irrespective of the fact that whether such a hospital is enlisted by Government of Rajasthan for reimbursement of medical expenses.

It is not at all disputed that the petitioner has undergone an angiography and cardiac artery bypass at Goyal Hospital & Research Centre Pvt. Ltd., Jodhpur on 9.9.2004. The petitioner on facing an acute cardiac pain was admitted to the hospital concerned on 4.9.2004 and under a competent medical advice he was subjected to emergent angiography and coronary artery bypass. In such crucial circumstances the petitioner was having no option but to undergo the treatment

wherever the treatment was available at earliest. It shall be highly unjust to expect from a person battling for life to proceed for a hospital recognised by the Government of Rajasthan for getting the medical expenses reimbursed. The prime consideration in such situation is to bring the life in safe zone, beyond the cost consideration. The government has provided statutory medical benefits including reimbursement of expenses incurred in treatment. The main object behind it is to extend a helping hand to its employees suffering ailment, the place of treatment is a secondary consideration. If the reimbursement is made absolutely dependent to the place of treatment then it shall not only be arbitrary but shall also be contrary to the fundamental right for protection of life.

In view of it, this petition for writ is allowed. The respondents are directed to reimburse the medical expenses incurred by the petitioner undergoing angiography and coronary artery bypass on 9.9.2004 at Goyal Hospital & Research Centre Pvt. Ltd., Jodhpur. The reimbursement of medical expenses as above is required to be made within a period of three months from today.

No order to cost.

(GOVIND MATHUR),J.

kkm/ps.